

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Don Carroll, Chair; Dale Weis, Vice-Chair; Janet Sayre Hoeft, Secretary; Paul Hynek, First Alternate; Randy Mitchell, Second Alternate

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY, OCTOBER 11, 2012, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 10:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 11:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 10:45 a.m.

Meeting called to order @ 10:45 a.m. by Donald Carroll.

2. Roll Call

Members Present: Donald Carroll, Janet Sayre Hoeft

Members Absent: Dale Weis

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

Hoeft made motion, seconded by Carroll, motion carried 2-0 to approve the review of the agenda.

5. Approval of September 13, 2012 Meeting Minutes

Hoeft made motion, seconded by Carroll, motion carried 2-0 to approve the September 12, 2012 meeting minutes.

Hoeft noted several typos in the meeting minutes. Staff will make the corrections prior to posting.

6. **Communications – None**
7. **Site Inspection – Beginning at 11:00 a.m. and Leaving from Room 203**
8. **Public Hearing – Beginning at 1:00 p.m. in Room 205**

Meeting called to order @ 1:00 p.m. by Carroll

Members Present: Carroll, Hoeft, Weis

Members Absent: ---

Staff: Michelle Staff, Laurie Miller

9. **Explanation of Process by Board of Adjustment Chair**

The following was read into the record by Hoeft:

***NOTICE OF PUBLIC HEARING
JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT***

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, October 11, 2012 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. The matter to be heard is an application for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, a variance may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be a site inspection prior to public hearing which any interested parties may attend; decision shall be rendered after public hearing on the following:

V1397-12 – Richard & Joy Symoens: Variance from Sec. 11.07(d) of the Jefferson County Zoning Ordinance to sanction construction of a screen house at less than the required setback to right-of-way and centerline of Boje Court. The site is at **N9611 Boje Court** in the Town of Watertown, on PIN 032-0815-0221-005 (0.459 Acre) in a Residential R-2 zone.

Richard Symoens presented the petition. There were no questions or comments in favor or opposition of the petition. There was a response in the file from the town which was read into the record by Weis not approving the petition. Staff gave staff report.

Carroll asked the petitioner to explain the three criteria for variance. The petitioner explained. Hoeft questioned the setbacks. The petitioner stated it would be 51' to the centerline. Hoeft questioned staff on the setbacks. Staff explained. Carroll noted that the Board had visited the site in the morning, and questioned the distance between the house and this structure and where the previous structure was located. Petitioner explained. Hoeft noted that where it was located now, it didn't block anyone's view. Hoeft questioned the well location. There was a discussion on the lay of the land, the location of existing structures, and topography. Carroll commented on the other places on the property to place the structure. Weis questioned the petitioner on the town's comments. Petitioner explained they did not attend the town's meeting. Hoeft explained to the petitioners that the Board is not bound to the decision of the town.

9. Decision on Above Petition – See files

10. Adjourn

Motion was made by Weis, seconded by Hoeft, motion carried 3-0 to adjourn @ 1:37 p.m.

If you have questions regarding these matters, please contact the Zoning Department at 920-674-7113 or 920-674-8638.

The Board may discuss and/or take action on any item specifically listed on the agenda.

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO.: 2012 V1397

HEARING DATE: 10-11-2012

APPLICANT: Richard A. & Joy R. Symoens

PROPERTY OWNER: SAME

PARCEL (PIN #): 032-0815-0221-005

TOWNSHIP: Watertown

INTENT OF PETITIONER: To sanction construction of a screen room too close to the right-of-way and centerline of Boje Court.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.07(d) OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The request is for the after-the-fact variance for a screen room that has been constructed 20 feet from the right-of-way and 51 feet from the centerline, whereas the required setback is 30 feet from the right-of-way and 63 feet from the centerline. The residence was constructed in 1971 and the detached garage was constructed in 1972 which indicated the required setback of 30 feet from the right-of-way. No other permits were obtained for the property. There are additional locations on the property to construct a screen room and meet all setback requirements.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

DECISION STANDARDS

A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT _____

- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINISTRATIVE RULES: _____
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

1. UNNECESSARY HARDSHIP **IS NOT** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD NOT** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE there are reasonable other places on the property to place the structure. It is not their only choice of locations, its just their first.
2. THE HARDSHIP **IS NOT** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE there are reasonable other places on the property to place the structure.
3. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE no neighbors complained, and it does not impair views.

NOTE: The Board is not able to approve the request because it does not meet the standards.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS **DENIED**.

MOTION: Carroll **SECOND:** Hoeft **VOTE:** 3-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ **DATE:** 10-11-2012
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

NOTE: As a result of the Board's denial, the Zoning Department has denied your permit request for this structure, and the construction that has taken place shall be removed from the property within 30 days. Please contact the Zoning Department upon removal to verify by inspection. Reminder; if you find an area for your structure that meets setbacks, feel free to resubmit a zoning permit application for review. If you have any other questions regarding this matter, please contact the Zoning Department.